

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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326 LAND COMPANY, LLC, a Michigan  
limited liability company,

Plaintiff,

v

CITY OF TRAVERSE CITY, a Michigan  
Home Rule City, SHAWN WINTER, City  
Planning Director,

Defendants.

Case No. 1:22-cv-45

Honorable Paul L. Maloney

Magistrate Phillip J. Green

**PLAINTIFF'S CROSS-MOTION FOR  
SUMMARY JUDGMENT AS TO  
COUNTS I AND IV OF PLAINTIFF'S  
COMPLAINT PURSUANT TO FRCP  
12(c) AND FRCP 56(a).**

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NOW COMES the Plaintiff, 326 Land Company by its attorneys Mika Meyers PLC and for its Cross-Motion for Summary Judgment as to Counts I and IV pursuant to FRCP 12(c) and FRCP 56(a) states as follows:

1. As supported fully in the brief being filed with this motion, Plaintiff is entitled to summary judgment on Counts I and IV because it has established vested rights to complete its proposed building based on the state of construction when the City revoked the Land Use Permit.

2. As supported fully in the brief being filed with this motion, Plaintiff is entitled to summary judgment on Counts I and IV for the additional reason that the City is estopped from revoking the Land Use Permit, which had the effect of halting construction under the penalty of

law, because 326 Land had reason to rely upon the Implementation Policy officially adopted by the City Commission and it made significant expenditures and undertook significant construction in reliance on that policy and permits issued pursuant to it.

3. As supported fully in the brief being filed with this motion, Plaintiff is entitled to summary judgment on Count I of the complaint because the City violated 326 Land's procedural due process rights by revoking the Land Use Permit precipitously, without prior notice and opportunity for 326 Land to be heard.

THEREFORE, Plaintiff respectfully requests that this honorable Court grant this cross-motion for Summary Judgment as to Counts I and IV and grant Plaintiff the relief as outlined in the brief being filed in support of this motion.

Respectfully submitted,

MIKA MEYERS PLC  
Attorneys for

Dated: June 20, 2023

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